

DEPARTMENT OF THE ARMY
Wilmington District, Corps of Engineers
Post Office Box 1890
Wilmington, North Carolina 28402-1890

Action ID No. 199911147

April 15, 2002

PUBLIC NOTICE

The NORTH CAROLINA DEPARTMENT OF TRANSPORTATION (NCDOT), DIVISION OF HIGHWAYS, 1548 Mail Service Center, Raleigh, North Carolina, 27699-1548, has applied for a Department of the Army (DA) permit pursuant to Section 404 of the Clean Water Act TO DISCHARGE DREDGED OR FILL MATERIAL INTO WATERS OF THE UNITED STATES TO CONSTRUCT SECTION A OF CRESCENT ROAD FROM US 70 TO US 258 IN LENIOR COUNTY, NORTH CAROLINA, TIP NO. R-2719A, STATE PROJECT NO. 8.2200101, T.I.P. R-2719A.

BACKGROUND:

The social, economic, and environmental impacts associated with five build alternatives for this project have been described in a Federal Highway Administration (FHWA) Environmental Assessment (EA) dated February 6, 2002. The proposed construction of Crescent Road from US 70 to NC 58 is included in the NCDOT 2002-2008 T.I.P.

The development of project alternatives was coordinated with federal and state environmental regulatory and resource agencies in accordance with the National Environmental Policy Act (NEPA) and Section 404 of the Clean Water Act (404) agreement between the FHWA, Corps and NCDOT. The purpose of the Merger Agreement is to define a process which facilitates early coordination between the project sponsors and federal and state resource agencies. Merger Team meetings for this project were held May 20, 1999, December 16, 1999, May 18, 2000, and August 22, 2001. The Merger Team reached conciseness on Concurrence Point No. 1 (Purpose and Need) and Concurrence Point 2 (Alternatives) of the project.

PROJECT DESCRIPTION:

The following description of work is taken from data provided by the applicant and from observations made during on-site inspections by a representative of the Corps of Engineers. There are five build alternatives being considered for the proposed Crescent Road. Maps showing the location of the alternatives for this project are included with this public notice.

Alternatives 1,2,4,6, and 7 are new location alternatives. Alternatives 1,2, and 4, follow a similar corridor, beginning at US 70 west of Kinston passing west and north of the city of Kinston, and terminating at US 258. Alternatives 6 and 7 follow a similar corridor, beginning at US 70 west of Kinston near LaGrange passing west and north of the City of Kinston, terminating at US 258. All alternatives provide interchanges at US 70 and US 258. Alternatives 6 and 7 would also provide an interchange at SR 1544 (Falling Creek Road). Each alternative is proposed as a four-lane, median divided, controlled access freeway. The proposed cross section calls for a 46-foot median, four 12-foot travel lanes, an inside 6-foot median shoulder width, and an outside 12-foot shoulder width.

Wetland types potentially impacted by the project include non-riverine flatwoods and riverine swamp forest habitats. Swamp forest habitats will be bridged to the maximum extent possible.

Impacts by alternative are as follows:

	<u>ACRES FILLED</u>	<u>ACRES BRIDGED</u>	<u>TOTAL WETLAND IMPACT</u>
a. Alternative 1	7.6	0	7.6
b. Alternative 2	10.9	1.7	12.6
c. Alternative 4	10.6	1.7	12.3
d. Alternative 6	2.8	4.3	7.1
e. Alternative 7	3.2	4.3	7.5

In order to more fully integrate Section 404 permit requirements with the National Environmental Policy Act of 1969, and to give careful consideration to our required public interest review and 404 (b)(1) compliance determination, the Corps of Engineers is soliciting public comment on the merits of the proposal and on the alternatives evaluated in the EA. At the close of this comment period, the District Engineer will evaluate and consider the comments received as well as the expected adverse and beneficial impacts of the proposed road construction to select the least environmentally damaging, practicable alternative (LEDPA). The District Engineer is not authorizing construction of the road at this time. A final Department of the Army permit could be issued, if at all, only after our review process is complete, impacts to the aquatic environment have been minimized to the maximum extent practicable, a compensatory mitigation plan has been approved, and final design has been completed.

NCDOT proposed to mitigate for unavoidable stream and wetland impacts from one of several mitigation banks under development in the Neuse River Basin. These sites consist of the Westbrook, the Nahunta Swamp, and the Marshton mitigation sites. The Adkins Branch stream restoration project in Lenior County could be available for stream mitigation.

The purpose of the proposed project consists of the following:

- Improve traffic flow and Level of Service (LOS) on the sections of US 70 and US 258 in and around the project study area;
- Improve access to Northern Kinston;
- Improve access to the Global TransPark; and,
- Improve traffic flow in the Kinston area.

Functional design plans and the EA are available for review at the Washington Regulatory Field Office at 107 Union Drive, Suite 202, Washington, North Carolina.

This proposal shall be reviewed for the applicability of other actions by North Carolina agencies such as:

- a. The issuance of a Water Quality Certification under Section 401 of the Clean Water Act by the North Carolina Division of Water Quality (NCDWQ).
- b. The issuance of a permit to dredge and/or fill under North Carolina General Statute 113-229 by the North Carolina Division of Coastal Management (NCDCM).
- c. The issuance of a permit under the North Carolina Coastal Area Management Act (CAMA) by the North Carolina Division of Coastal Management (NCDCM) or their delegates.
- d. The issuance of an easement to fill or otherwise occupy State-owned submerged land under North Carolina General Statute 143-341(4), 146-6, 146-11, and 146-12 by the North Carolina Department of Administration (NCDA) and the North Carolina Council of State.
- e. The approval of an Erosion and Sedimentation Control Plan by the Land Quality Section, North Carolina Division of Land Resources (NCDLR), pursuant to the State Sedimentation Pollution Control Act of 1973 (NC G.S. 113 A-50-66).

The requested Department of the Army (DA) permit will be denied if any required State or local authorization and/or certification is denied. No DA permit will be issued until a State coordinated viewpoint is received and reviewed by this agency. Recipients of this notice are encouraged to furnish comments on factors of concern represented by the above agencies directly to the respective agency, with a copy furnished to the Corps of Engineers.

Any person may request, in writing within the comment period specified in the notice, that a public hearing be held to consider this application. Requests for public hearing shall state, with particularity, the reasons for holding a public hearing.

The District Engineer has consulted the latest published version of the National Register of Historic Places for the presence or absence of registered properties, or properties listed as being eligible for inclusion therein, and all of the build alternatives would have an adverse effect on the Sutton Farmhouse. In addition, Alternative 1 would have an adverse effect on the James M. Parrot House and Alternative 2 would have an effect but have no adverse effect with conditions on the James M. Parrott House. Alternative 7 would have an effect but have no adverse effect with conditions on the Fields-Sugg House. Alternative 1 would also have an adverse effect on the Henry L. Herring House. Presently unknown archeological, scientific, prehistoric, or historical data may be lost or destroyed by work under the requested permit.

The District Engineer, based on available information, is not aware that the proposed activity will affect species, or their critical habitat, designated as endangered or threatened pursuant to the Endangered Species Act of 1973.

The decision whether to issue a permit will be based on an evaluation of the probable impacts, including cumulative impacts, of the proposed activity and its intended use on the public interest. Evaluation of the probable impacts which the proposed activity may have on the public interest requires a careful weighing of all those factors which become relevant in each particular case. The benefits which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. The decision whether to authorize a proposal, and if so the conditions under which it will be allowed to occur, are therefore determined by the outcome of the general balancing process. That decision should reflect the national concern for both protection and utilization of important resources. All factors which may be relevant to the proposal must be considered including the cumulative effects thereof. Among those are conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards and flood plain values (in accordance with Executive Order 11988), land use, navigation, shore erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership, and, in general, the needs and welfare of the people. For activities involving the placement of dredged or fill materials in waters of the United States, a permit will be denied if the discharge that would be authorized by such permit would not comply with the Environmental Protection Agency's 404(b)(1) guidelines. Subject to the preceding sentence and any other applicable guidelines or criteria, a permit will be granted unless the District Engineer determines that it would be contrary to the public interest.

The Corps of Engineers is soliciting comments from the public; Federal, State and local agencies and officials; Indian Tribes and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects and the other public interest factors listed above. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

Generally, the decision whether to issue this DA permit will not be made until the North Carolina Division of Water Quality (NCDWQ) issues, denies, or waives State certification required by Section 401 of the Clean Water Act. The NCDWQ considers whether or not the proposed activity will comply with Sections 301, 302, 306, and 307 of the Clean Water Act. The application and this public notice for the DA permit serves as application to the NCDWQ for certification.

Additional information regarding the Clean Water Act certification may be reviewed at the offices of the North Carolina Division of Water Quality (NCDWQ), at the address specified below. Copies of such materials will be furnished to any person requesting copies upon payment of reproduction costs.

All persons desiring to make comments regarding the application for Clean Water Act certification should do so in writing delivered to the North Carolina Division of Water Quality, (DWQ), Wetlands Section, 1650 Mail Service Center, Raleigh, North Carolina 27699-1650.

Written comments pertinent to the proposed work, as outlined above, will be received in this office, Attention: Mr. Michael F. Bell, Washington Regulatory Field Office, Post Office Box 1000, Washington, North Carolina 27889-1000, until 4:15 p.m., May 17, 2002.

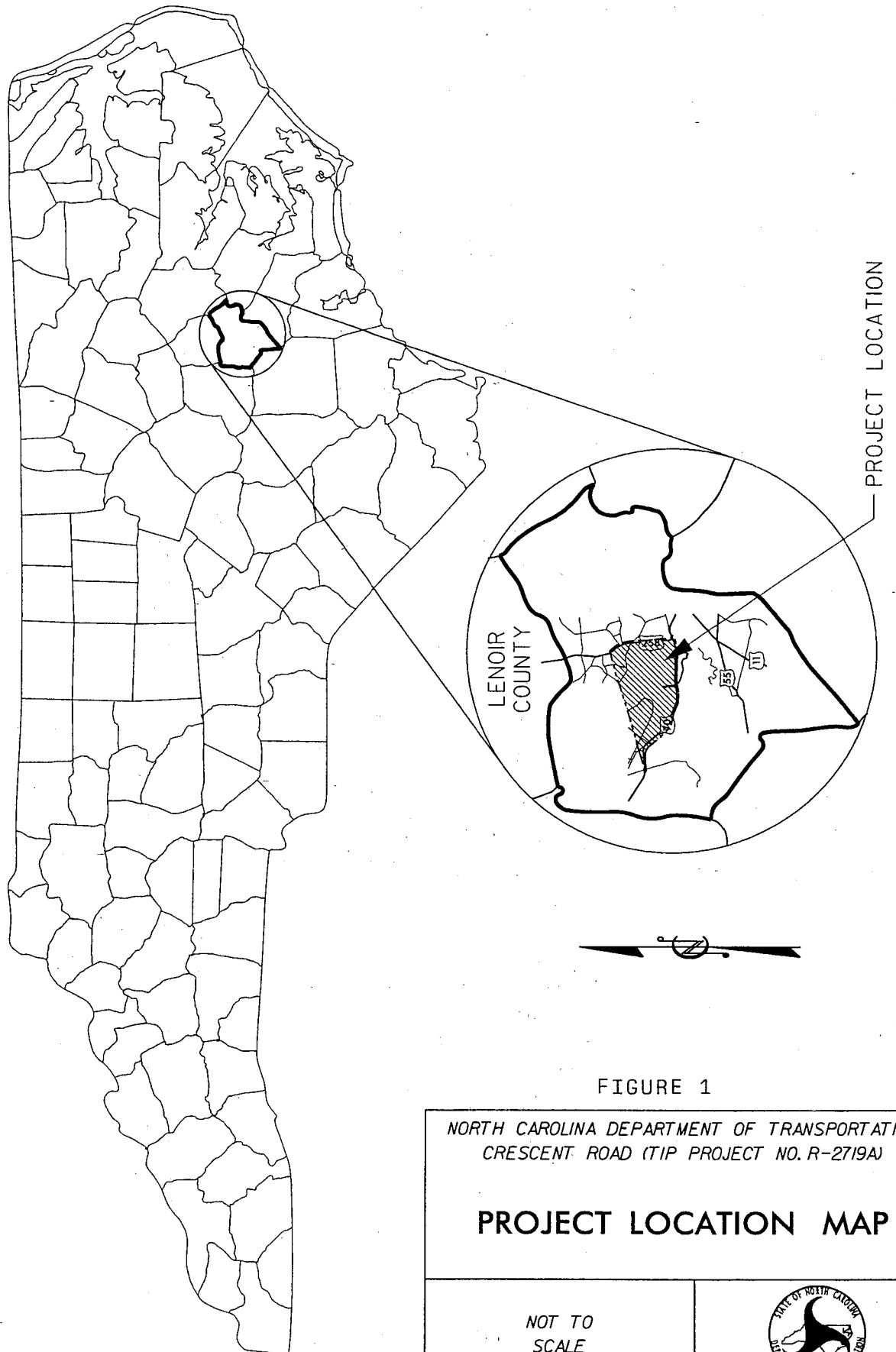


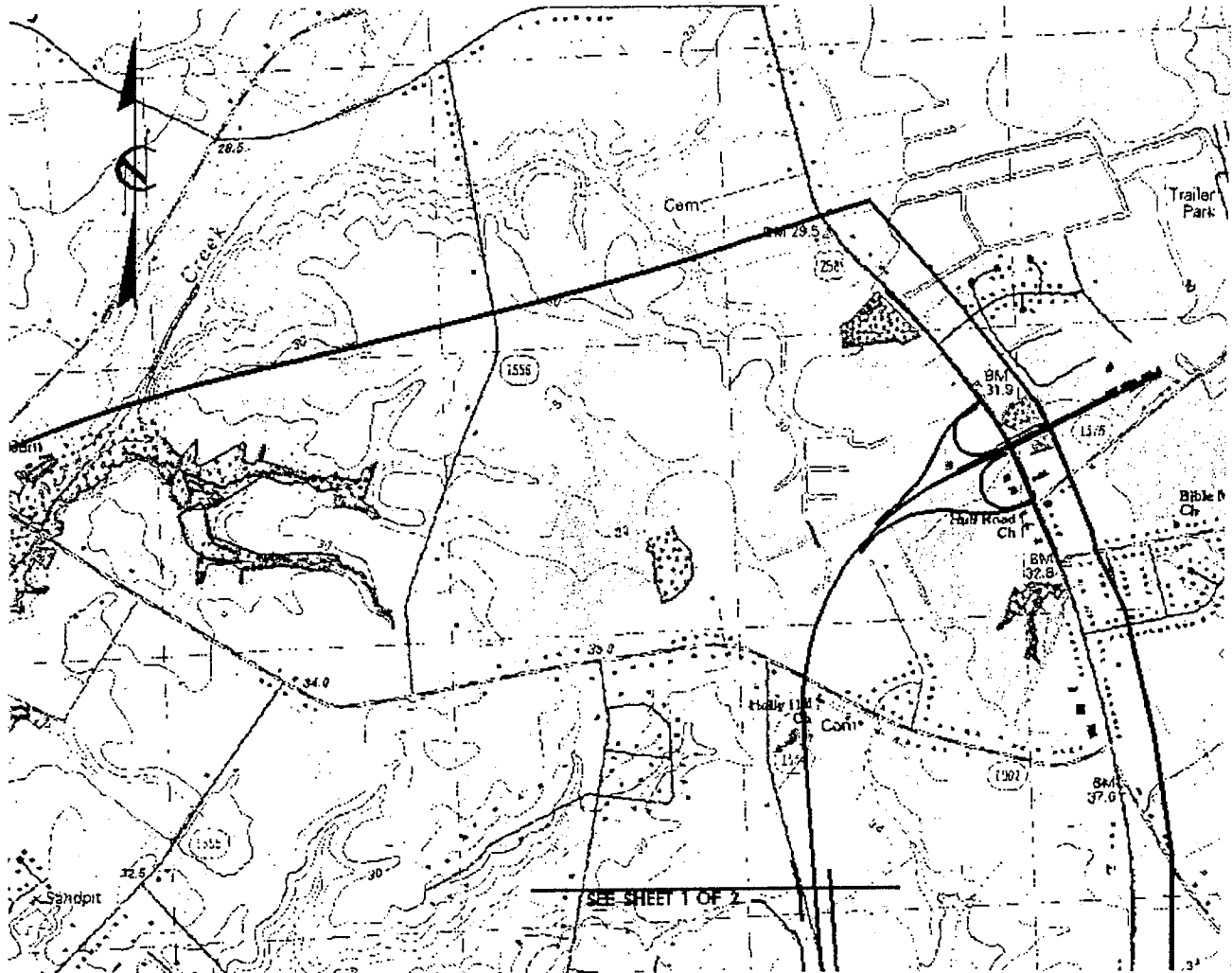
FIGURE 1

NORTH CAROLINA DEPARTMENT OF TRANSPORTATION
CRESCENT ROAD (TIP PROJECT NO. R-2719A)

PROJECT LOCATION MAP

NOT TO
SCALE



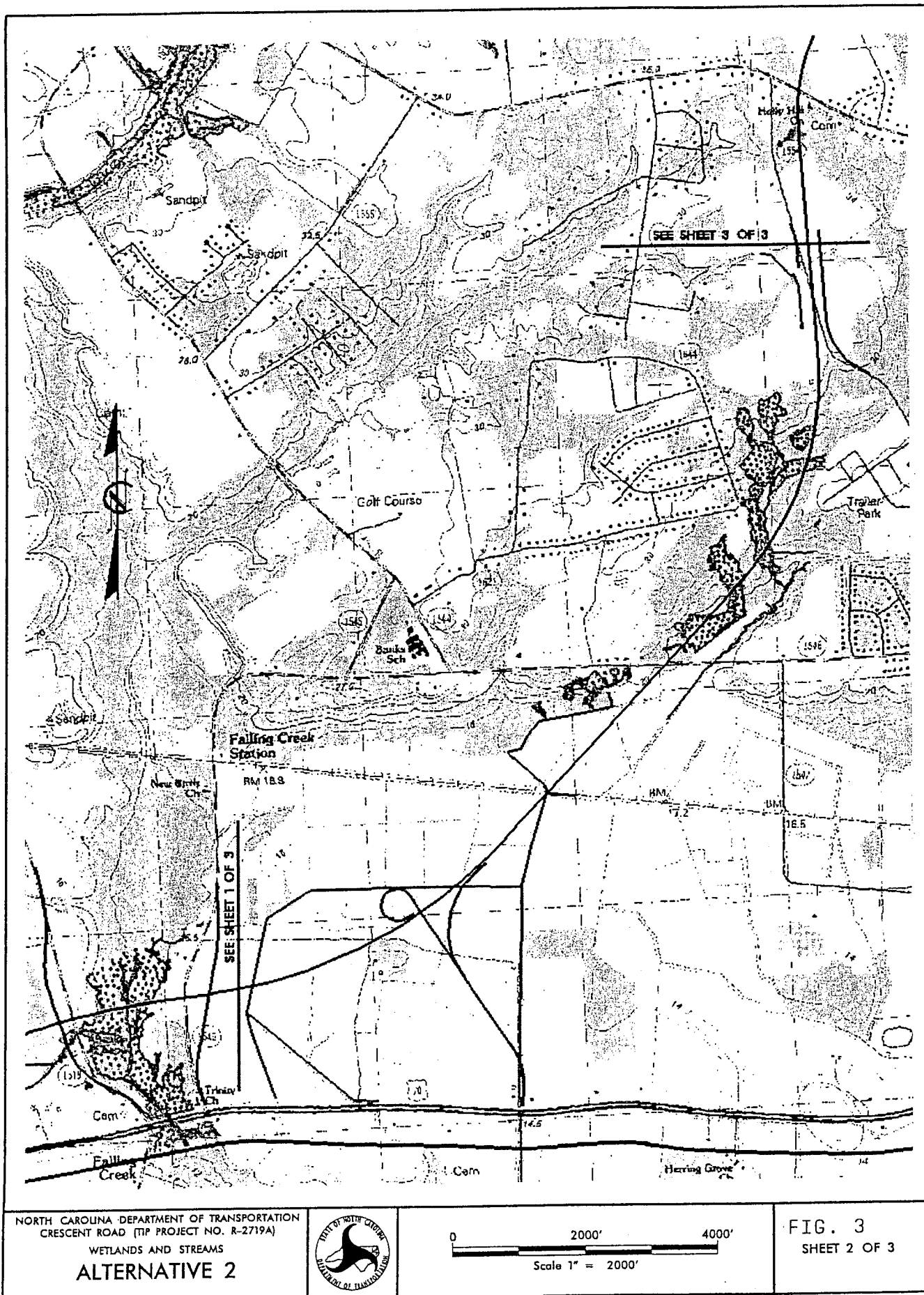


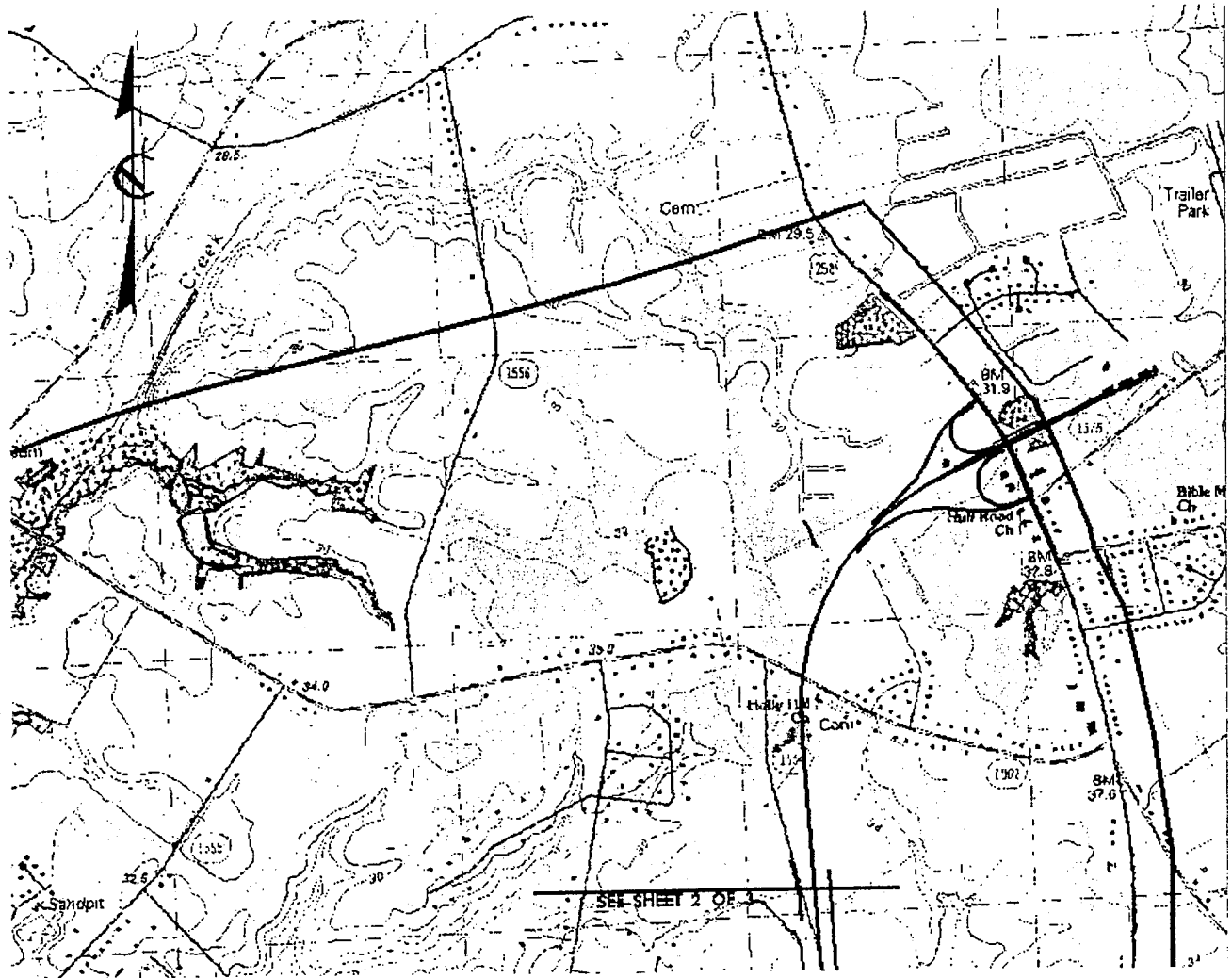
NORTH CAROLINA DEPARTMENT OF TRANSPORTATION
 CRESCENT ROAD (TIP PROJECT NO. R-2719A)
 WETLANDS AND STREAMS
ALTERNATIVE 1



0 2000' 4000'
 Scale 1" = 2000'

FIG. 3
 SHEET 2 OF 2



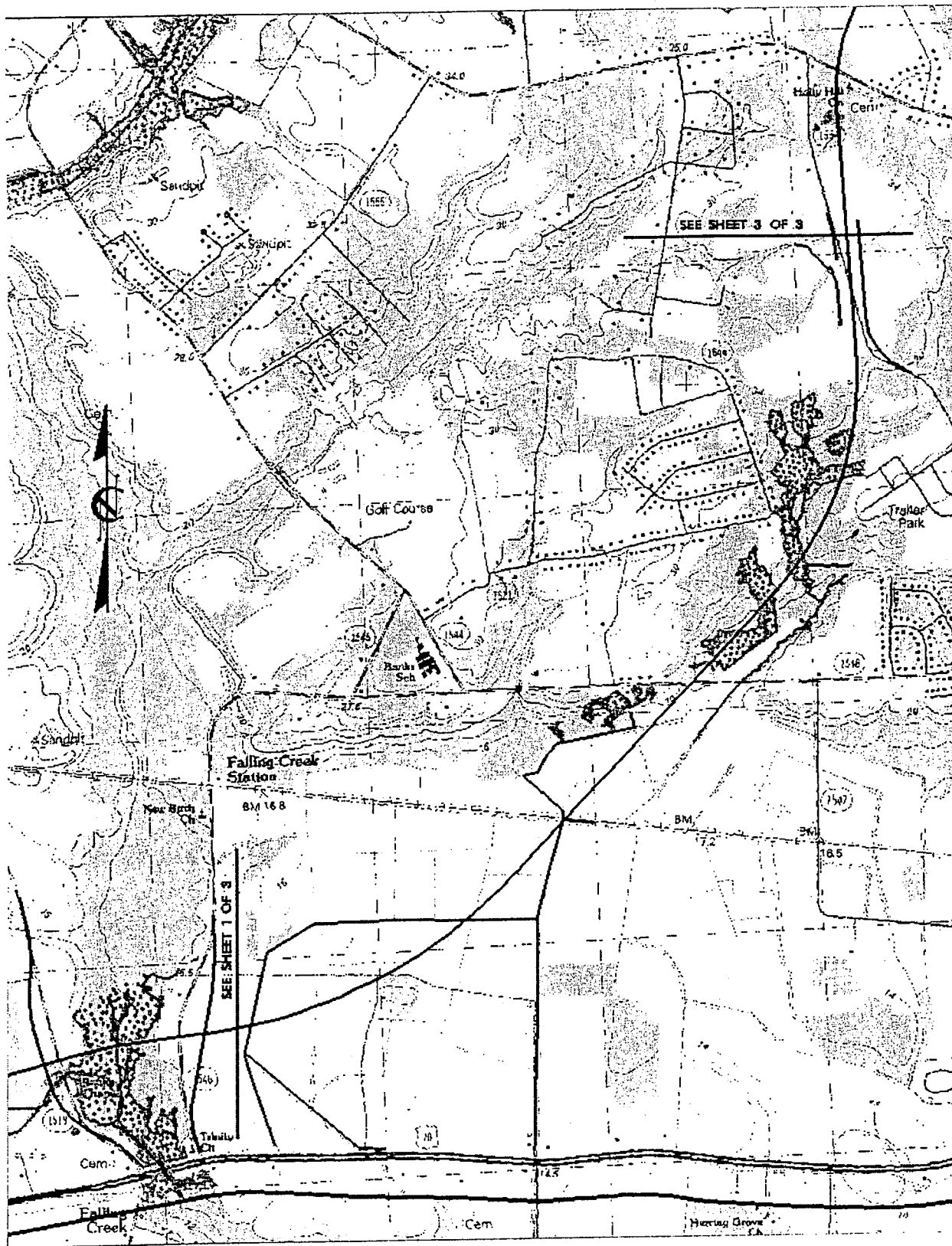


NORTH CAROLINA DEPARTMENT OF TRANSPORTATION
CRESCENT ROAD (TIP PROJECT NO. R-2719A)
WETLANDS AND STREAMS
ALTERNATIVE 2



0 2000' 4000'
Scale 1" = 2000'

FIG. 3
SHEET 3 OF 3



NORTH CAROLINA DEPARTMENT OF TRANSPORTATION
CRESCENT ROAD (TIP PROJECT NO. R-2719A)
WETLANDS AND STREAMS
ALTERNATIVE 4



0 2000' 4000'
Scale 1" = 2000'

FIG. 3
SHEET 2 OF 3

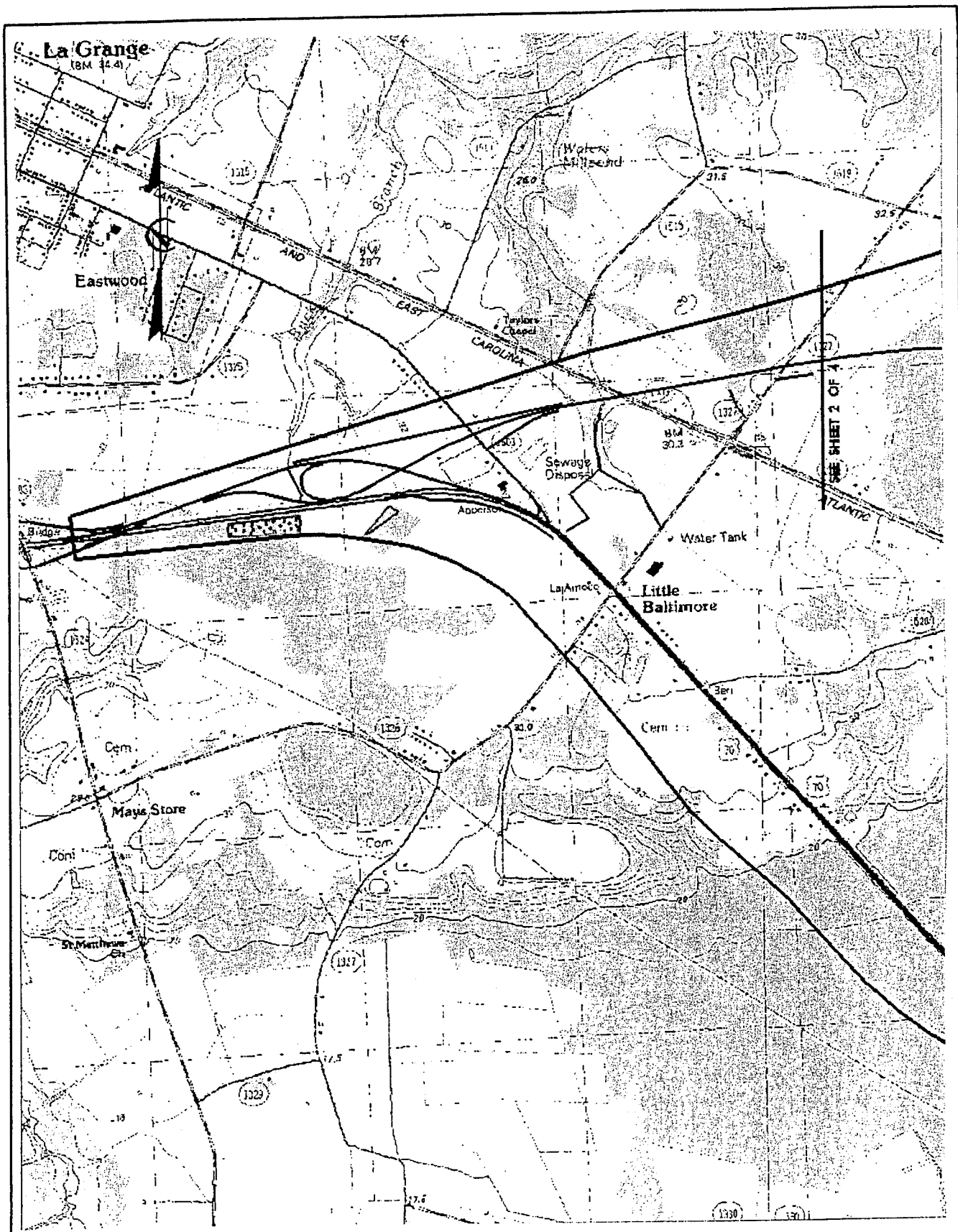


NORTH CAROLINA DEPARTMENT OF TRANSPORTATION
CRESCENT ROAD (TIP PROJECT NO. R-2719A)
WETLANDS AND STREAMS
ALTERNATIVE 4



0 2000' 4000'
Scale 1" = 2000'

FIG. 3
SHEET 3 OF 3



NORTH CAROLINA DEPARTMENT OF TRANSPORTATION
 CRESCENT ROAD (TIP PROJECT NO. R-2719A)
 WETLANDS AND STREAMS
ALTERNATIVE 6

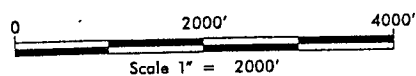
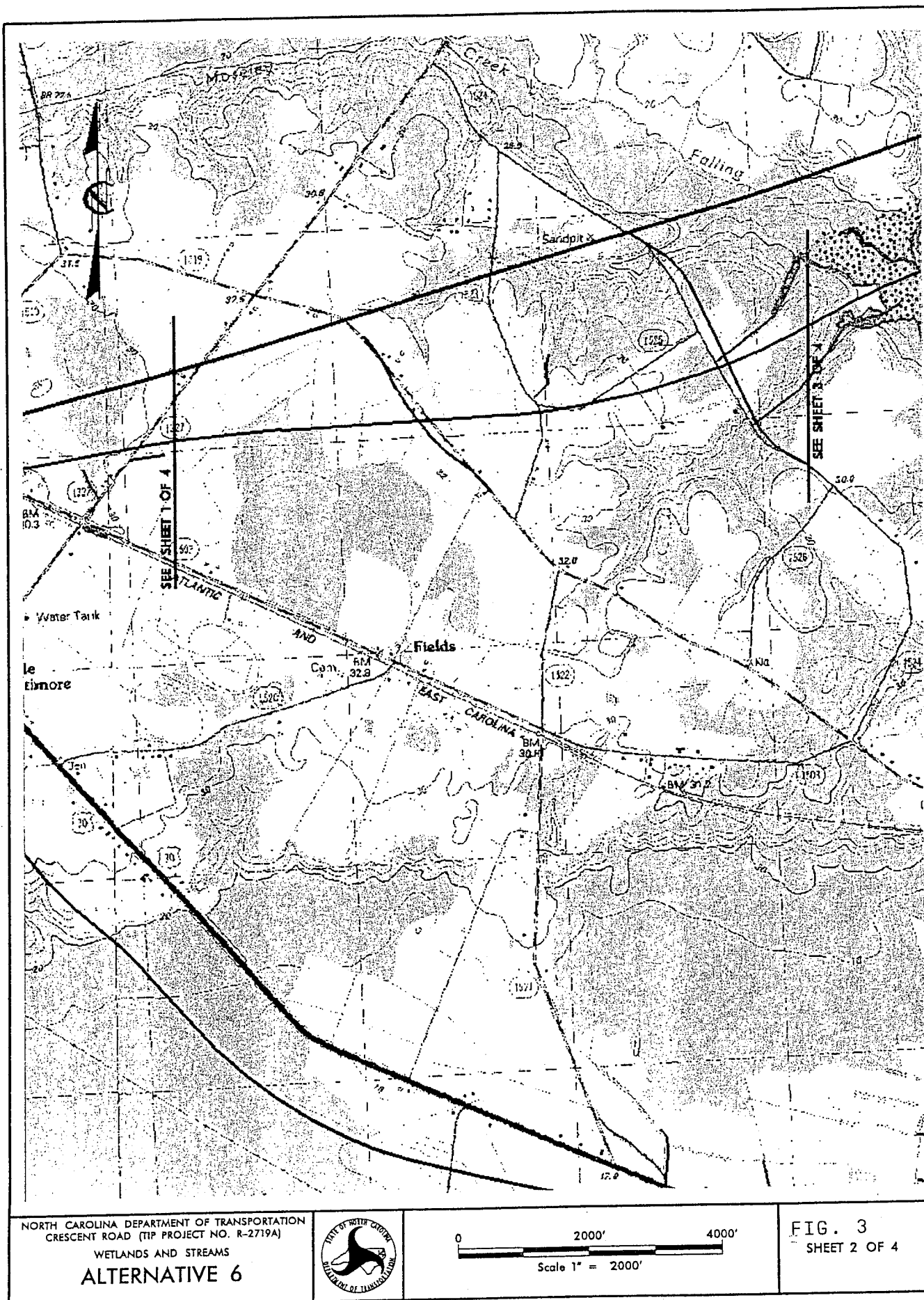
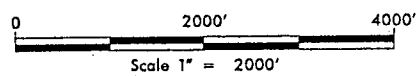
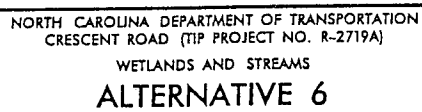
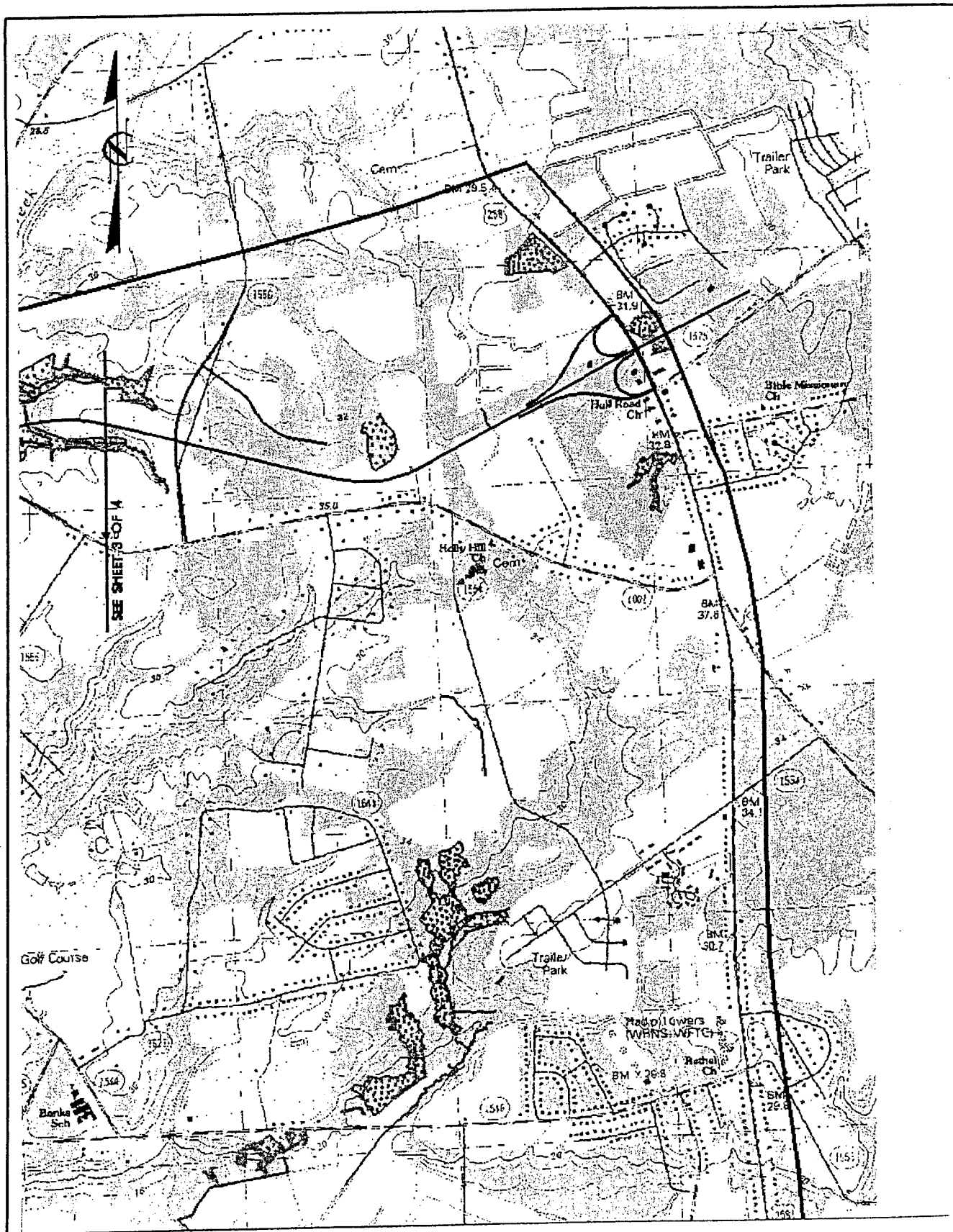


FIG. 3
 SHEET 1 OF 4





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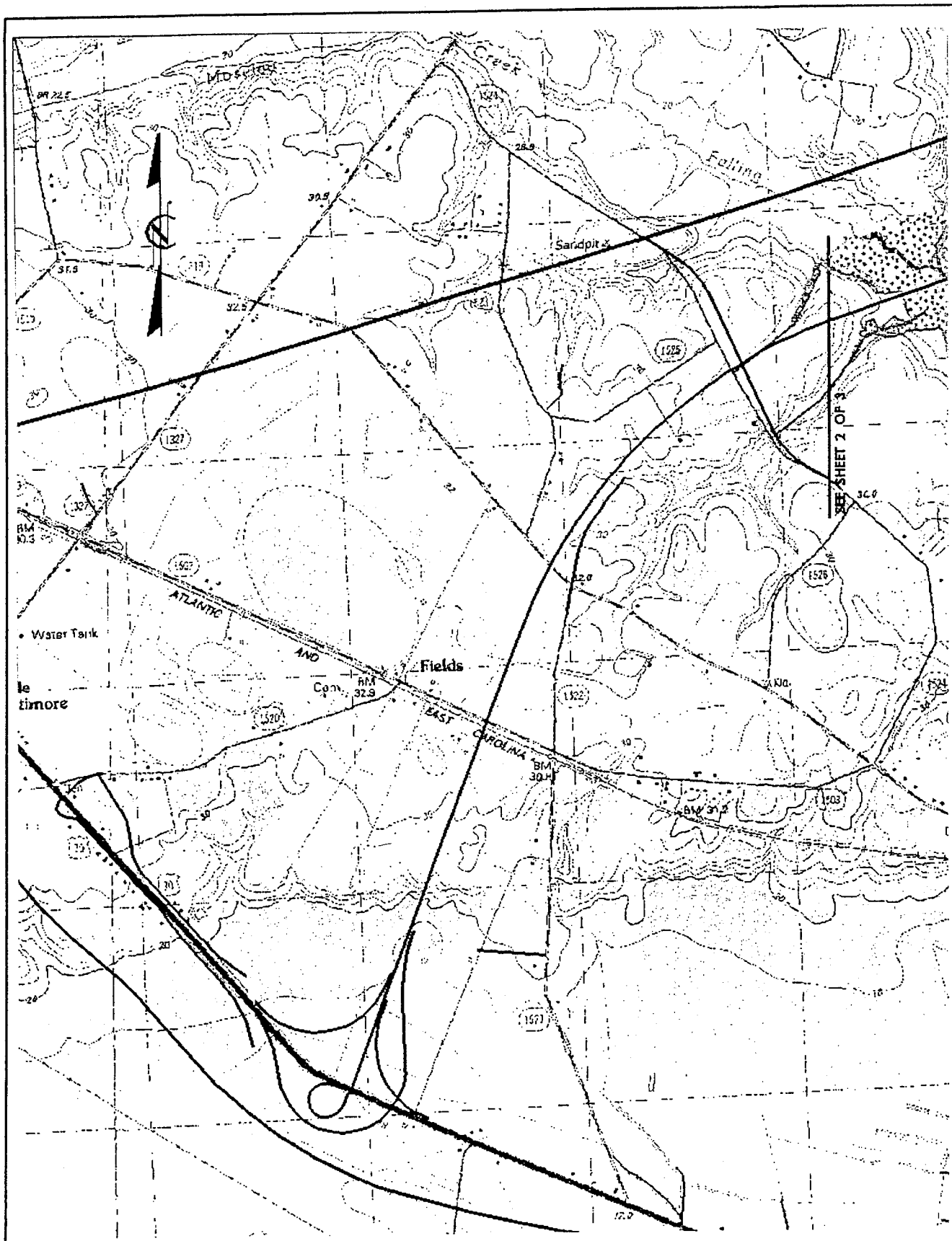
NORTH CAROLINA DEPARTMENT OF TRANSPORTATION
CRESCENT ROAD (TIP PROJECT NO. R-2719A)
WETLANDS AND STREAMS
ALTERNATIVE 6



0 2000' 4000'
Scale 1" = 2000'

FIG. 3

SHEET 4 OF 4

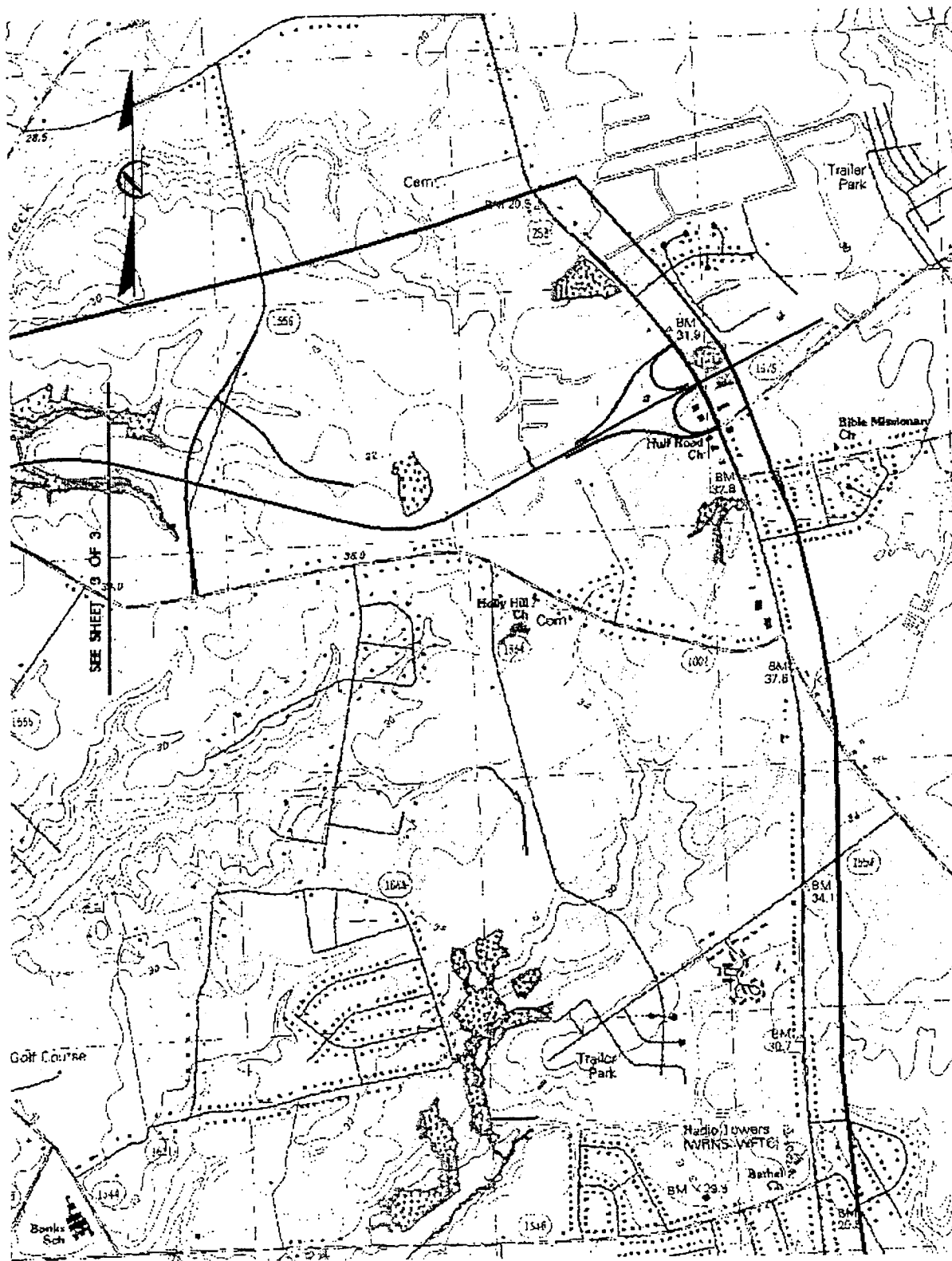


NORTH CAROLINA DEPARTMENT OF TRANSPORTATION
CRESCENT ROAD (TIP PROJECT NO. R-2719A)
WETLANDS AND STREAMS
ALTERNATIVE 7



0 2000' 4000'
Scale 1" = 2000'

FIG. 3
SHEET 1 OF 3



NORTH CAROLINA DEPARTMENT OF TRANSPORTATION
CRESCENT ROAD (TIP PROJECT NO. R-2719A)
WETLANDS AND STREAMS
ALTERNATIVE 7



0 2000' 4000'
Scale 1" = 2000'

FIG. 3
SHEET 3 OF 3